

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAROLYN SIOUX GREEN,

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

CASE NO. C22-5258-JCC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on Plaintiff Carolyn Sioux Green's motion for leave to proceed *in forma pauperis* (Dkt. No. 1) and defendant's motion to remand (Dkt. No. 3). The Honorable Theresa L. Fricke, United States Magistrate Judge, issued a Report and Recommendation ("R&R") (Dkt. No. 11) advising the Court to GRANT Defendant's motion to remand and DENY Plaintiff's motion for leave as moot; Plaintiff objects. (Dkt. No. 17.) For the reasons described below, the Court hereby ADOPTS the R&R, GRANTS Defendant's motion, and DENIES Plaintiff's pending motions as moot.

On October 8, 2020, Plaintiff filed this matter in the Thurston County Superior Court. (Dkt. No. 1-1.) Plaintiff later filed a notice of removal to this Court pursuant to 28 U.S.C. § 1441, and Defendant Providence St. Peter Hospital moved to remand. (Dkt. Nos. 1-1, 3.) There is currently a trial date scheduled and a pending motion for summary judgment in this action in Superior Court. (Dkt. No. 1-4 at 65.) Magistrate Judge Fricke recommends remanding this matter

1 because removal under 28 U.S.C. § 1441 is not available to Plaintiff and her notice of removal is
2 improper. (Dkt. No. 11 at 2 (citing *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1749
3 (2019) (holding section 1441 does not allow plaintiffs to remove an action that was originally
4 filed in state court).)

5 A district court must conduct a *de novo* review of those portions of a magistrate judge's
6 R&R to which a party properly objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A party
7 properly objects when he or she files "specific written objections" to the magistrate judge's R&R
8 as required under Federal Rule of Civil Procedure 72(b)(2). In contrast, general objections or
9 summaries of arguments previously presented have the same effect as no objection at all since
10 they do not focus the Court's attention on any specific issues for review. *Howard v. Sec'y of*
11 *Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). This Court's consideration of such
12 "objections" would entail *de novo* review of the entire report, rendering the referral to the
13 magistrate judge useless and causing a duplication of time and effort that wastes judicial
14 resources and contradicts the purposes of the Magistrates Act. *Id.* Accordingly, *de novo* review is
15 not required when a party fails to direct the court to a specific error in the R&R. *Strawbridge v.*
16 *Sugar Mountain Resort, Inc.*, 243 F. Supp.2d 472, 475 (W.D.N.C. 2003).

17 Plaintiff argues that this Court has jurisdiction due to her constitutional challenges but
18 does not refute Judge Fricke's conclusion that *removal* is unavailable to her pursuant to 28
19 U.S.C. § 1441. (*See generally* Dkt. No. 17.) As Plaintiff has not directed the Court to a specific
20 error in the R&R, *de novo* review is not required. *Strawbridge*, 243 F. Supp.2d at 475.

21 For the foregoing reasons, the Court hereby ADOPTS the R&R (Dkt. No. 11),
22 OVERRULES Plaintiff's objections (Dkt. No. 17), and GRANTS Defendant's motion to remand
23 (Dkt. No. 3). Plaintiff's pending motions (Dkt. Nos. 1, 14, 82) are DENIED and Plaintiff's
24 claims are REMANDED to the Thurston County Superior Court. The Clerk is DIRECTED to
25 mail a certified copy of this Order to the Clerk of the Thurston County Superior Court.

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1 DATED this 7th day of July 2022.

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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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